

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/29/2018
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X
UNITED STATES OF AMERICA,	:
	:
-against-	:
	:
JOSEPH PERCOCO,	:
a/k/a "Herb,"	:
ALAIN KALOYEROS,	:
a/k/a "Dr. K.,"	:
PETER GALBRAITH KELLY, JR.,	:
a/k/a "Braith,"	:
STEVEN AIELLO,	:
JOSEPH GERARDI,	:
LOUIS CIMINELLI,	:
MICHAEL LAIPPLE, and	:
KEVIN SCHULER,	:
	:
Defendants.	:
-----	X

16-CR-776 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

Attached as Exhibit A is the final form of the Court's written juror questionnaire.

IT IS HEREBY ORDERED that the parties are directed to follow the procedures for administration of the questionnaire and submission of for-cause strikes provided by the Court at docket entry 674.

SO ORDERED.

Dated: May 28, 2018
New York, NY


VALERIE CAPRONI
United States District Judge

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)	
)	
v.)	S2 16-CR-776 (VEC)
)	
ALAIN KALOYEROS,)	
STEVEN AIELLO,)	
JOSEPH GERARDI,)	
LOUIS CIMINELLI, and)	
MICHAEL LAIPPLE,)	
Defendants.)	

JUROR QUESTIONNAIRE

JUROR NUMBER _____

PLEASE PRINT ALL ANSWERS LEGIBLY IN BLUE OR BLACK INK.

Introduction

The purpose of this questionnaire is to provide information to the Court and to the attorneys in this case so that they can determine whether you can serve as a fair and impartial juror in this case. You must give true, candid, and complete answers to every question. This is a criminal case, entitled United States of America versus Alain Kaloyeros, Steven Aiello, Joseph Gerardi, Louis Ciminelli, and Michael Laipple. The Defendants are charged with wire fraud and conspiracy to commit wire fraud in connection with Fort Schuyler Management Corporation's (commonly known as FSMC) selection of COR Development and LPCiminelli as "preferred developers" for potential real estate development projects in Syracuse and Buffalo, New York. FSMC is a not-for-profit real estate corporation affiliated with the State University of New York

JUROR NUMBER _____

Polytechnic Institute (commonly known as SUNY Polytechnic Institute). Each defendant has pled not guilty, and each is presumed innocent unless and until proven guilty.

Do not discuss this questionnaire or your answers with anyone, including Court personnel and your fellow potential jurors. Please do not leave any questions unanswered. If you do not understand a question, write that on the questionnaire and we will discuss it with you later. There is an extra page at the back of the questionnaire if you need additional space for your answers. **Do not write on the back of any page of the questionnaire.**

Please write your juror number on the top of each page of the questionnaire. **Do not write your name on the questionnaire.**

There are no “right” or “wrong” answers; there are only truthful answers. You are sworn to give truthful answers, so you must provide full and accurate information in response to each question.

NOTE: **Do not do any research regarding this case.** That means you should not “look up” the case or anyone involved in the case on the Internet or in any other manner. **Do not discuss this case, this questionnaire, or your answers to the questions with anyone**—not your fellow jurors, your family, your employer, or your friends.

JUROR NUMBER _____

Questions

1. The trial of this case may last up to six weeks. The jury will generally sit Mondays through Thursdays from approximately 9:30 am to 5:00 pm. The Court may occasionally sit on Fridays. The Court will not sit on Independence Day, Wednesday, July 4, 2018, or on July 5, 2018 or July 6, 2018. All jury service involves some degree of hardship. Would service as a juror on this case be a serious hardship for you?

☐ Yes

☐ No

If yes, please explain why serving on the jury for this case would cause you a serious hardship:

Please note: In the event you are excused from service on this jury, you will not be excused from jury service in general. You will instead be required to report to the Court's Jury Clerk for placement on another panel for another case.

2. Do you have any pre-paid travel plans during June or July 2018?

☐ Yes

☐ No

If yes, please describe your plans:

3. Do you have any personal commitments that would make it difficult for you to get to court by 9:15 am, every day of trial?

☐ Yes

☐ No

If yes, please specify:

JUROR NUMBER _____

4. Do you or does any member of your family or a close friend personally know or have past or present dealings with any of the following individuals?

- a. Any of the defendants in this case or their family members?

Alain Kaloyeros	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Steven Aiello	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Joseph Gerardi	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Louis Ciminelli	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Michael Laipple	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- b. The U.S. Attorney for the Southern District of New York, Geoffrey S. Berman, or anyone else who works for or used to work for the U.S. Attorney's Office for the Southern District of New York?

☐ Yes ☐ No

- c. Any of the Assistant United States Attorneys who are prosecuting this case:

Robert Boone	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Matthew Podolsky	<input type="checkbox"/> Yes	<input type="checkbox"/> No
David Zhou	<input type="checkbox"/> Yes	<input type="checkbox"/> No

- d. Any of the defense attorneys or law firms who are representing the defendants:

Reid Weingarten of Steptoe & Johnson LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Michael C. Miller of Steptoe & Johnson LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Michael G. Scavelli of Steptoe & Johnson LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Stephen R. Coffey of O'Connell & Aronowitz	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Pamela A. Nichols of O'Connell & Aronowitz	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Scott W. Iseman of O'Connell & Aronowitz	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Avni P. Patel of Walden Macht & Harran LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Jacob S. Gardener of Walden Macht & Harran LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Milton L. Williams of Walden Macht & Harran LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Timothy W. Hoover of Hodgson Russ LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Spencer L. Durland of Hodgson Russ LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Jessica A. Masella of DLA Piper LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Paul L. Shechtman of Bracewell LLP	<input type="checkbox"/> Yes	<input type="checkbox"/> No

JUROR NUMBER _____

Herbert L. Greenman of Lipsitz Green Scime Cambria LLP ☐ Yes ☐ No

e. The United States District Court Judge who is presiding over this case, Valerie Caproni, or anyone who works on her staff?

☐ Yes

☐ No

If you answered “yes” to any of the above sub-questions (4.a, 4.b, 4.c, 4.d, or 4.e), please explain whom you know, how you know the individual(s), and whether your relationship with that person might make it difficult for you to be a fair and impartial juror in this case:

5. Before today, had you read, seen, or heard anything about criminal charges being brought against Alain Kaloyeros, Steven Aiello, Joseph Gerardi, Louis Ciminelli, or Michael Laipple?

☐ Yes

☐ No

If yes, from whom did you hear about the case (e.g., a friend, the newspaper, a website) and what do you remember?

JUROR NUMBER _____

6. Do you have any personal knowledge of the facts underlying the accusations as they are described above?

☐ Yes

☐ No

If yes, please explain:

7. Based on anything that you have read, seen, or heard about this case, have you formed any opinion about any of the defendants that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes

☐ No

☐ Not applicable, I have not read/seen/heard about the case

If yes, please explain:

8. Based on anything you have read, seen or heard about this case, would you be able to follow the Court's instruction to put that information out of your mind and decide this case based only on the evidence presented at trial?

☐ Yes

☐ No

☐ Not applicable; I have heard nothing about this case.

If no, please explain:

JUROR NUMBER _____

9. Have you followed the news about the trials of New York State political officials in recent years?

☐ Yes ☐ Yes, but not closely ☐ No

If yes, what do you remember?

10. If you answered yes to Number 9, do you have any strong feelings about those trials or about their outcomes that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes ☐ No / Not applicable

If yes, please explain:

11. Is there anything about the nature of this case and the accusations as summarized at the beginning of this questionnaire that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain:

12. Do you have any strong opinions about government officials, including Governor Andrew Cuomo, or anyone who works in state government that might make it difficult for you to be a fair and impartial juror in this case?

JUROR NUMBER _____

☐ Yes

☐ No

If yes, please explain:

13. Have you or has any member of your family or a close friend ever worked for New York Governor Andrew Cuomo, for any member of the New York State Senate or Assembly, or for any New York State agency, department or public benefit corporation?

☐ Yes

☐ No

If yes, please identify who it was, what position or agency, and when:

14. Have you or has any member of your family or a close friend ever worked for any institution affiliated with the State University of New York (SUNY) system including, but not limited to, SUNY Polytechnic Institute in Albany?

☐ Yes

☐ No

If yes, please identify who, when, and for what institution the person worked:

15. Have you or has any member of your family or a close friend ever bid for a contract with the New York State government, any New York State agency, department, public benefit corporation or a not-for-profit corporation affiliated with a government entity?

☐ Yes

☐ No

If yes, please explain and state whether there was anything about your or their experience that might make it difficult for you to be a fair and impartial juror in this case:

JUROR NUMBER _____

16. Do you or does any member of your family or a close friend have any experience lobbying the government (local, state, or federal)?

☐ Yes

☐ No

If yes, please explain and state whether there was anything about your or their experience that might make it difficult for you to be a fair and impartial juror in this case:

17. You may hear evidence in this case that certain defendants who do business with New York State made campaign contributions or held political fund raisers for political candidates. Do you have any strong feelings about individuals who do business with New York State also making campaign contributions that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes

☐ No

If yes, please explain:

18. Do you have any strong feelings about construction companies or the real estate industry that might make it difficult for you to be a fair and impartial juror in a case that involves individuals in construction and real estate businesses?

☐ Yes

☐ No

JUROR NUMBER _____

If yes, please explain:

19. Do you have any opinion of the U.S. Attorney's Office for the Southern District of New York or U.S. Attorney Geoffrey S. Berman that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes

☐ No

If yes, please explain:

20. Do you have any opinions about prosecutors or criminal defense attorneys generally that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes

☐ No

If yes, please explain:

21. Do you have any opinion about the criminal justice system generally or the federal criminal justice system in particular that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes

☐ No

If yes, please explain:

JUROR NUMBER _____

22. At the end of the case the Judge will instruct you on the applicable legal principles and the elements of each offense charged. As a juror, you will be required to follow the Judge's instructions on the law. Even if you disagree with the wisdom of the law you may not substitute your own ideas of what the law is or what you think it should be. Do you believe you will be able to follow the law as the Judge explains it to you?

☐ Yes

☐ No

If no, please explain:

23. You may hear evidence in this case from one or more individuals who were involved in the alleged crimes charged but agreed to cooperate with the government in exchange for not being charged or in hopes of leniency when sentenced or who were granted immunity and ordered to testify. Do you have any strong feelings about the use of such witnesses that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes

☐ No

If yes, please explain:

24. Have you or any member of your family or a close friend ever worked for or had any personal interaction with any of the following companies?

COR Development

☐ Yes

☐ No

LPCiminelli

☐ Yes

☐ No

Fort Schuyler Management Corporation (FSMC)

☐ Yes

☐ No

Whiteman Osterman and Hannah LLP

☐ Yes

☐ No

JUROR NUMBER _____

25. Have you or has any member of your family or a close friend ever had any dealings with any of the following individuals or entities:

Steven (Ben) Farnsworth, Special Agent, Federal Bureau of Investigation	Yes	No
Robert Gross, Special Agent, Federal Bureau of Investigation	Yes	No
Gary Jensen, Special Agent, Federal Bureau of Investigation	Yes	No
Karen Flanagan, Special Agent, IRS-Criminal Investigation	Yes	No
Eric Blachman, Special Agent, U.S. Attorney's Office – SDNY	Yes	No
DeLeassa Penland, Special Agent, U.S. Attorney's Office – SDNY	Yes	No
Jonathan Concepcion, Paralegal Specialist, U.S. Attorney's Office – SDNY	Yes	No
Sylvia Lee, Paralegal Specialist, U.S. Attorney's Office – SDNY	Yes	No

Jeff Aiello	Yes	No
Charles Antzelevitch	Yes	No
Jay Badams	Yes	No
Mark Balling	Yes	No
Walter Jerry Barber	Yes	No
Scott Bateman	Yes	No
Chris Beitel	Yes	No
Andrew Bellinger	Yes	No
Kelly Bhardwaj	Yes	No
Tom Birdsey	Yes	No
Steve Bills	Yes	No
Brenda Birken	Yes	No
Robert Blackman	Yes	No
Don Bosnell	Yes	No

JUROR NUMBER ____

Bob Brady	Yes	No
John Andrew Breuer	Yes	No
Peter Cammarata	Yes	No
Maria Cassidy	Yes	No
Michael Castellana	Yes	No
Michael Chapman	Yes	No
John Ciminelli	Yes	No
Frank Ciminelli II	Yes	No
Amy Clifton	Yes	No
Erin Coultry	Yes	No
Peter Cutler	Yes	No
RoAnn Destito	Yes	No
Alicia Dicks	Yes	No
Steve DiMeo	Yes	No
David Doyle	Yes	No
Michael Duschen	Yes	No
Matt Enstice	Yes	No
Gail Ettaro	Yes	No
Michael Evke	Yes	No
Joann Falletta	Yes	No
Michael Fancher	Yes	No
James Fenton	Yes	No
Dean Fuleihan	Yes	No
Kathleen Garver	Yes	No
Anthony Giattino	Yes	No
Philip Gitlin	Yes	No
Robert Geer	Yes	No
Howard Glaser	Yes	No
William Grogan	Yes	No
Sean Grooms	Yes	No
Doug Grose	Yes	No

JUROR NUMBER _____

Brian Hannafin	Yes	No
George Harris	Yes	No
Katherine Herlihey	Yes	No
Richard Hezel	Yes	No
Timothy Holly	Yes	No
Joseph Hogan	Yes	No
Todd Howe	Yes	No
Cleveland Hughes	Yes	No
John Kelly	Yes	No
Carl "C.J." Kempf	Yes	No
Andrew Kennedy	Yes	No
Christopher Kerr	Yes	No
Catherine Johnson	Yes	No
Paul Joynt	Yes	No
Kirk Knestis	Yes	No
Mary Beth Labate	Yes	No
Richard Leckerling	Yes	No
Edwin Lee	Yes	No
Tom Louis	Yes	No
Brian Lucey	Yes	No
Stephanie Miner	Yes	No
Carl Montante	Yes	No
Michael Montante	Yes	No
Paul Neureuter	Yes	No
Mandy Nordstrom	Yes	No
Thomas O'Brien	Yes	No
Christina Orsi	Yes	No
Shawna Pappel	Yes	No
Gene Partridge	Yes	No
John Puig	Yes	No
Jack Quinn	Yes	No

JUROR NUMBER _____

Larry Quinn	Yes	No
Bruce Reichel	Yes	No
John Regan	Yes	No
Steven Rollins	Yes	No
Joseph Schell	Yes	No
Kevin Schuler	Yes	No
Andrew Shaevel	Yes	No
Susan Shaffer	Yes	No
Andrew Sharp	Yes	No
Robert Simpson	Yes	No
Omar Abu Sitta	Yes	No
David Stebbins	Yes	No
John Timothy Vaeth	Yes	No
Christopher Walsh	Yes	No
Conrad Wesolek	Yes	No
Ruth Walters	Yes	No
Tom Young	Yes	No
David Zebro	Yes	No

Acquest Development	Yes	No
Albany Molecular Research Inc.	Yes	No
Buffalo Niagara Medical Campus	Yes	No
Buffalo Urban Development Corporation	Yes	No
CenterState CEO	Yes	No
Central New York Film Hub	Yes	No
College of Nanoscale Science and Engineering	Yes	No
Dormitory Authority of the State of New York	Yes	No
Empire State Development Corporation	Yes	No
Executive Chamber of the Governor of New York	Yes	No
Fuller Road Management Corporation	Yes	No
Hezel Associates	Yes	No

JUROR NUMBER _____

Hueber-Breuer Construction	Yes	No
Krog Group	Yes	No
LeChase Construction	Yes	No
Lend Lease Construction	Yes	No
M+W Group	Yes	No
McGuire Development Company	Yes	No
Mensch Capital	Yes	No
Mohawk Valley Edge	Yes	No
New York State Office of the Comptroller	Yes	No
Riverbend	Yes	No
Silevo	Yes	No
SolarCity	Yes	No
Soraa	Yes	No
State University of New York – Institute of Technology (Utica-Rome)	Yes	No
State University of New York – Polytechnic Institute	Yes	No
State University of New York – Research Foundation	Yes	No
State University of New York – University of Albany	Yes	No
Tesla	Yes	No
TM Montante Development	Yes	No
Uniland Development Company	Yes	No
WOH – Government Solutions	Yes	No

If yes, please indicate whom you know and how you know him or her:

JUROR NUMBER _____

26. Have you or has any member of your family or a close friend ever practiced law?

☐ Yes

☐ No

If yes, please explain:

27. Have you or has any member of your family or a close friend ever brought a civil lawsuit or been a defendant in a civil lawsuit?

☐ Yes

☐ No

If yes, please explain:

28. Have you or has any member of your family or a close friend ever been the defendant in a criminal prosecution?

☐ Yes

☐ No

If yes, please explain:

29. Have you or has any member of your family or a close friend ever been the victim of a crime or fraud?

☐ Yes

☐ No

JUROR NUMBER _____

If yes, please explain:

30. Have you or has any member of your family or a close friend ever testified as a witness in a deposition, in any sort of trial, or before a grand jury?

☐ Yes

☐ No

If yes, please explain:

31. Have you or has any member of your family or a close friend ever worked in law enforcement—for example, as a police officer or a federal agent; as a correctional officer in a jail or prison; in a local, state, or federal prosecutor's office or in some other law enforcement capacity?

☐ Yes

☐ No

If yes, please explain:

32. Do you have any religious beliefs or ethical beliefs that would prevent you from passing judgment on another person?

☐ Yes

☐ No

If yes, please explain:

JUROR NUMBER _____

33. Do you have any difficulty with your eyesight or hearing or have any medical or physical condition that would make it difficult for you to serve on a jury?

☐ Yes

☐ No

If yes, please explain:

34. Do you have any difficulty reading or understanding the English language?

☐ Yes

☐ No

I swear (or affirm) that all of the answers provided above are truthful.

Juror Number

Reminder: Do not write your name on this questionnaire.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.